



BOARD OF BARBERING AND COSMETOLOGY

P.O. BOX 944226
SACRAMENTO, CA 94244-2260
INFORMATION: (916) 323-9020 FAX (916) 445-8893



Board of Barbering and Cosmetology
Ronald Reagan State Building
300 South Spring Street
First Floor Auditorium
Los Angeles, CA 90013

MINUTES OF JANUARY 26, 2004

BOARD MEMBERS PRESENT:

Dr. Della Condon, President
Joe Gonzalez, Vice President
Kim McInnes, Professions Member
Angela Reddick, Public Member
Bonnie G. LaChappa, Public Member
Waddell Herron, Public Member

STAFF MEMBERS PRESENT:

Cindy Walton, Interim Executive Officer
Albert Balingit, Staff Counsel
Marion Welch, Supervising Examiner
Angelica Flores, Enforcement Analyst
Margie Shea, Enforcement Analyst
Jaime Masuda, Administration Analyst

TELECONFERENCING

Richard Hedges, Public Member
Hale Kahakai
2405 Kalaniana'ole Avenue, PH 11
Hilo, HI 96720

♦ Agenda Item #1, CALL TO ORDER

President Condon called the meeting to order at 9:15 a.m. with the roll call. Members announced themselves.

President Condon announced that the first part of the meeting would be Petitions for Reinstatement, and turned the meeting over to Administrative Law Judge Greer Knoff.

♦ Agenda Item #2, PETITIONS FOR REINSTATEMENT

Reinstatements

Maria A. Jara, Accusation #A-2463, reinstated
Hoang H. Dang, Accusation #A-2427, denied
Van Thanh Thuy Nguyen, Accusation #A-2426, denied
My Tien Lieu, Accusation #A-2418, denied

◆ **Agenda Item #8 BREAK IN REINSTATEMENT HEARINGS- PUBLIC COMMENT**

President Condon opened up the meeting to public comment, due to delays in the reinstatement hearings. She invited the public to come forward and share public comments on any of the issues that were before the Board or any other industry-related concerns.

Mr. Kenneth Williams, Director of Universal College, came forward to express concerns with testing time frames and wanted the Board to address any progress made in reducing the time frames.

President Condon requested that Interim Executive Officer Cindy Walton address those concerns.

Ms. Walton stated that steps were taken to shorten the timeframes for examination by means of computer based testing. She indicated that the process had been reduced from an 8-10 month time frame to a 6-month time frame. She explained that the Board would like to reduce the wait time even further, but computer based testing was the first step. She further stated that the process is not perfect, but staff is working toward improving it.

Ms. Marion Welch, Supervising Cosmetology Examiner, introduced herself and explained the written examination process. She explained that there is about a one-month time frame from the time candidates pass the practical portion of the examination to take the written portion of the examination. She stated that part of this lag time is due to the fact that candidates don't necessarily schedule their written examinations right away. Candidates who reapply for the written examination after failing also wait approximately one month. Ms. Welch explained that candidates who are not successful in the written examination are given a candidate handbook with a re-examination application attached to the back. The candidate then sends in the re-examination application and one person is responsible at the Board for processing those applications.

President Condon stated that that once people turn in the paperwork to that the examination it takes months to be scheduled for the examination. She expressed concern that candidates then have to go through another application process to take the written examination. Ms. Condon stated that technology had increased the waiting time for licensure. She stated that she believed a motion was passed by the Board requiring compliance with the law that mandates same day licensing. She wanted to know what progress has been made to go back to same day licensing.

Ms. Welch indicated that there would be discussion about same day licensing later in the meeting on Agenda Item 7. She added that when the Board was conducting paper and pencil examinations, candidates who reapplied were not going back and taking their examinations as fast as they are now with computer based testing.

President Condon requested for clarification on her question. She asked if it adds a length of time to get the license if candidates have to reapply to take the written examination after they have taken the practical examination. Ms. Welch clarified that once the candidate passes the practical examination, the procedure is processed through the Board.

President Condon stated that she understood that it is processed through the Board, and that is the problem. She expressed concern that the Board is lengthening the time for students to get their license. She reiterated that technology has not lessened the amount of time it takes for students to get to the examination. Ms. Condon then stated that she did not want to argue about the processes in public. She stated that the Board expects to see significant progress in returning to same day licensing because it is the law. She stated that it [the law] has not been followed for some time and if technology plays a role in same day licensing, it will assist in some of these issues.

Ms. Reddock asked about the status of issuing establishment applications. Ms. Walton stated that the Board was currently processing applications from May 2003. She indicated that she had redirected staff to address all the workload backlog.

President Condon added that there was a realignment of staff and there were a lot of vacancies. She indicated that the Board's number one priority was to get students tested quickly so they can begin earning money and paying taxes in California.

Mr. Williams indicated that his college would assist the Board with any remedial educational needs.

Mr. Jerry Tyler, Carlton Hair International, introduced himself and congratulated the Board on the aggressive work they have been doing in the areas of examination reform and helping students through the testing process. He asked about the progress of implementing Senate Bill 362.

President Condon asked if that was the bill requiring the Board to collect information from establishments regarding booth renters. Mr. Tyler clarified that individual licensed cosmetologists are required to indicate on the renewal notice whether they are booth renters or independent contractors.

President Condon stated that she would follow up with staff on the progress of implementation. She stated that the information was obtained, but did not know if it had been implemented.

Mr. Tyler asked the Board if they were aware that the Governor placed a six-month hold on all the regulations in the State. Vice President Joe Gonzalez asked Mr. Tyler if his comments were being addressed to the Board or to the Department of Consumer Affairs on these issues. Mr. Tyler confirmed that he was addressing his concerns to the Board.

Mr. Tyler stated that he felt there were three areas that the Board needed to address: Reciprocity, Apprenticeship, and regulation development. He would like to Board to consider a task force for the apprenticeship issues that would include program sponsors, individuals who provide the training, and staff members from the Board.

President Condon thanked Mr. Tyler for his comments and agreed that a task force would be a good way to address the issues. She stated that the Board would call him for additional information.

Ms. Condon announced that the reinstatement hearings would resume.

◆ **Agenda Item #4 CLOSED SESSION FOR DECISIONS ON REINSTATMENTS (11:35 AM)**

◆ **Agenda Item #5 BOARD ANNOUNCEMENTS/ REMARKS**

President Condon called the meeting back to order at 12:20 PM.

Ms. Reddock announced that she was asked to participate in the CE Hair Show in the capacity of an attorney and hoped that it wasn't a conflict of interest.

Mr. Herron expressed interest in serving on the Disciplinary Review Committee (DRC).

President Condon asked if there was any additional discussion regarding interest in serving on the DRC. She added that the Legislative Committee Task Force needed to conduct a meeting before the next Board meeting. She stated that the Instructor license would sunset in 2005 and legislation was needed to reinstate that license. She also stated that a reciprocity task force needed to be formed under the Exam and Licensing Task Force. She asked if there are any objections to the Board members holding the two committee meetings together the following month.

Vice President Gonzalez asked about the status of the audit report. President Condon indicated that he was referring to the audit report regarding the former Bureau of Barbering that outlined areas of deficiency in the Bureau's functioning and standards. She asked Vice President Gonzalez if he wanted to focus on a particular item focused or just wanted a general report. Vice President Gonzalez asked for a general report on what actions had been taken regarding the audit report because he is aware of time frames that need to be met.

Ms. Walton indicated that she provided an update on the Audit Report findings in her Executive Officer's Report at the December 15, 2003, Board meeting. She indicated that she would like to contact Steve Castillo, Department of Consumer Affairs Internal Audit Office, to inquiry if there was any additional information that the Board needed to provide to the Audit Office. She asked if the Board would like her to provide an update at the next Board meeting.

Vice President Gonzalez stated that he wanted the Audit Report update placed on the agenda for the next Board meeting. President Condon added that the Sunset Review is coming up would need to be addressed at the next meeting.

President Condon stated that she was informed by Legal Counsel that a third Board member was required on the DRC pursuant to the Board's Rules and Regulations (Section 974.1). She volunteered to sit on the Committee. Mr. Hedges indicated that he would serve on the committee and wanted to know when it would meet.

President Condon said the first meeting would be some time in February and opted to remove herself from the DRC in light of Mr. Hedges statement. It was determined that Mr. Hedges would participate via teleconference if he is unable to attend the meeting. Mr. Hedges asked

President Condon to postpone his appointment to the DRC until after the next meeting and asked if she would serve in his place.

President Condon agreed and asked if there were any other announcements or remarks by the Board.

♦ **Agenda Item #6 APPROVAL OF MINUTES**

President Condon announced that the Board would move to Agenda Item 6 – Approval of the Minutes for the September 15, September 29, October 26 and 27 and December 15, 2003, Board meetings.

Mr. Hedges indicated that he did not receive his Board material package requested that this agenda item be tabled until he could review the minutes. President Condon requested that Mr. Hedges put his request in the form of a motion to defer the approval of the minutes until the next Board meeting. Mr. Hedges so moved.

♦ **Agenda Item #7 EXTENSION OF THE EXPERIOR CONTRACT**

President Condon stated that a motion was on the table and requested a second to the motion. Ms. Reddock seconded the motion it was carried.

President Condon proceeded to Agenda Item #7- Discussion of the Extension of the Experior Contract and Same-Day Testing. She turned the meeting over to Ms. Walton.

Ms. Walton introduced Dr. Tracy Ferrel, Office of Examination Resources (OER). Dr. Tracy Ferrel expressed gratitude to the Board members for allowing her to discuss the Experior Contract for computer based testing. She referred to a January 21, 2004 memo that was included in the Board packet. Ms. Ferrel stated that the first critical point was the February 1, 2004, contract expiration date. The second critical point was that there were over 1,000 candidates scheduled to take the written exam at Experior from the current date until April 2004, and another 3,000 eligible candidates that will be directly impacted by the termination or expiration of the Experior Contract. The third critical point was that both Experior Assessments and OER had made repeated attempts to address the Board's concerns regarding computer-based testing and same day testing licensure.

Dr. Ferrel reminded the Board that Experior staff was at the December 15, 2003, meeting. Based upon the Board's motion at that meeting, Experior and OER initiated discussions in an effort to meet the Board's goal of same day testing/licensure. She stated that both Experior and OER were confident that this goal can be met, but the Board needed to clarify what they meant by same day testing/licensure (i.e., did the Board want computers in or adjacent to the facilities, etc.). She stated that Experior indicated that some candidates preferred testing at a site close to their homes.

Dr. Ferrel went on to remind the Board that if the contract expires, all the services that Experior provides would revert back to Board staff. She stated that staffing has been reduced and cannot meet the current level of mandated services. She also stated that the proctors were lost during the Vacancy and Budget drill in 2003. As a result, Examiners would have to be used to proctor the pencil and paper examination and their hours are already limited because they are

intermittent employees. She stated that the current Budget augmentation for computer-based testing is not allocated for proctors or paper and pencil testing. If computer-based testing were to cease the Board would need to request redirection of the funds in the 2005/06 fiscal year.

Mr. Albert Balingit, legal counsel to the Board, inquired about the amount of that budget augmentation and Dr. Ferrel indicated \$690,000. She further stated that the Board would require a Budget Change Proposal in order to hire back proctors, because that line item was eliminated from the Board's budget. It was further stated that the Department's Office of Information Services (OIS), which provides information technology services to the Board and Bureaus within the Department, would also be effected by this change. It was indicated that OIS would require a 100-day lead time to reprogram systems to accommodate computer based testing. It was noted that OIS had a host of other services and clients as well as staffing shortages.

Ms. Walton interrupted to state that Ms. Shelly Sutton, Chief of the Office of Information Services, was in attendance and could provide additional information if needed.

Dr. Ferrel added that OIS required the 120-day timeframe, not OER. She indicated that she had a memo outlining the details associated with reprogramming the existing computer systems and the associated costs. Dr. Ferrel stated that the Board's Budget analyst estimated an additional \$100,000 in OIS costs to reprogram or revert back to paper and pencil testing. The Board would also have to stop examining for a short period of time, which would result in a loss of revenue of somewhere from \$200,000 to 300,000. If the contract were allowed to expire on January 31, the Board would have to cease administering examinations until OIS could reprogram the system to accommodate paper and pencil testing, processing of eligibility reports, score reports, and licensing.

Dr. Ferrel added that processes formerly performed by OER staff would be turned over to Board staff. These tasks included editorial review, copy of the tests, all of the documentation, the statistics, and the item banks. She stated that Experior required written notification of contract termination as a business courtesy. They would also require a written script, because the Board has 1,000 candidates scheduled for computer-based exams at the eight test sites throughout California, as well as 3,000 additional candidates who had received handbooks and would be calling Experior to schedule their examinations. She once again emphasized that OER and Experior could meet same day licensure requirements if the Board would give them a reasonable amount of time to the change. She went on to state that the Board is projected to test and license more candidates than year, there are photographs on the license, occupational analyses for three of the seven professions, and OER is ready to begin exam development and another couple occupational analyses.

Vice President Gonzalez interrupted to state that photographic licenses were not requested. He also stated that when Experior attended the last Board meeting they indicated that other states were performing same day testing, but they only named one: Maine. He said that Experior did have the opportunity to meet with the Board who tried to accommodate them.

Mr. Gonzalez then referred to page 17 of the December 15 minutes where Ms. Hallie Fisher, Board Licensing Manager, stated that implementation on same day testing was delayed on the

advice of legal counsel. Ms. Fisher stated that legal counsel told staff the motion at the November 26, 2003, Board meeting was not a valid motion because it was made outside of the Open Meetings Act. Ms. Fisher further stated that Board staff was directed not to proceed until a formal motion was made and appropriately noticed to the public, which is why they lost 60 days. Mr. Gonzalez indicated that the Board voted for same day testing and asked staff how many days it would take to implement. He expressed concern that the Board's decisions were not being made and requested comment from legal counsel regarding this issue.

Mr. Balingit asked the Vice President Gonzalez to refer to page 19 of the December 15 minutes where he stated that his advice regarding the same day testing motion was given only to the Board, not to staff. Vice President Gonzalez informed Mr. Balingit that, according to the minutes, he did advise staff. Mr. Balingit denied that he advised staff in such a manner. Vice President Gonzalez asked Mr. Balingit if he denied instructing staff and is stating that staff lied. Mr. Balingit states that he is not saying staff lied, but felt there may have been a miscommunication.

Vice President Gonzalez indicated that it is serious because they have to address a lot of students, and asked Mr. Balingit if he is stating that he did not tell Board staff to stop something the Board previously initiated. Mr. Balingit indicated that the memo dated December 10 was the advice given to the Board. He stated that it is not his role to rescind any motions made by the Board.

President Condon stated that the Board made the motion after it was noticed and she did not feel that it was made outside of the Open Meeting Act. She then stated that the Board made the motion again at the subsequent Board meeting and identified the number of days in which same day testing were to be accomplished. She clarified that, to her, same day testing meant a student walks in the door without their license, they take their practical and written exam and are issued a license upon passing.

Dr. Ferrel asked the Board if there was a preference as to where the computers would be located. She wanted to know if the Board wished to give the students a choice. She added that over half of the students fail one of two parts of the exam and have to re-examine.

President Condon stated that the Board needed to discuss whether or not computers would be a part of the examination. She expressed concerns about money going out of state to a company not based in California. She stated that she was not opposed to the idea of same day licensure with computer-based testing. She felt that, by not moving forward on the first motion to return to same day testing, the Board had been manipulated into moving toward computer-based testing.

Dr. Ferrel indicated that there are five national testing vendors in the United States and they are all located outside of California. She added that computer based testing is under the master services agreement, which was developed to support all the Boards and Bureaus within the Department of Consumer Affairs. She stated that the agreement was supported by the Legislature and the Department of Finance. Dr. Ferrel indicated that she had been attending the Board in an effort to make them aware of the crisis situation the Board is facing with computer based testing.

President Condon asked Ms. Walton what progress has been made toward implementing same day licensing since the motion was made at the last meeting. Ms. Walton responded that Staff met with various organizations within the Department (OIS and OER) to determine what steps needed to be taken in order to return to same day licensing. Ms. Walton then asked the Board if they wanted paper/pencil or computer based testing.

President Condon asked the Board members if they wanted to return to paper/pencil testing. She stated that staff needed to determine exactly how long it would take and extend the Experior contract for that length of time.

Dr. Ferrel asked permission to clarify something for the Board. She stated that the contract for Experior has to be extended until November 2004, which is the length of the current Master Services Agreement. She added that, if the Board wishes to terminate sooner than November 2004, a written notification needed to be sent to Experior.

Vice President Gonzalez asked Dr. Ferrel if the Board is Experior's largest client. Dr. Ferrel responded that the Bureau of Automotive Repair is Experior's largest client. Vice President Gonzalez stated that he was under the impression that the Board was the largest client and noted that the Board is spending more money on Experior than other Boards.

Ms. Reddock questioned whether the Board wanted computer based testing versus paper/pencil testing. Dr. Ferrel indicated that she didn't know exactly what the Board wanted and reiterated the statistics on the number of computer based exams administered, photographic licenses, passing rates, and the benefits of computer based testing technology.

Ms. Reddock interrupted to ask President Condon or Vice President Gonzalez to comment on what they saw as the benefits of the computer based testing versus paper/ pencil testing. President Condon stated that the two issues were whether the Board wanted to continue with computerized testing and could computer based testing accommodate same day licensing in the amount of time set forth in the Board's motion. She also asked if the Board wanted to return to paper/pencil testing, which had worked for same day licensing and kept millions of dollars in California's General Fund.

Vice President Gonzalez reminded Dr. Ferrel that the Board made the motion for same day testing and she was present for that motion. He stated that he did not understand why steps had not been made toward the goals of the Board.

Dr. Ferrel indicated that they (OER & Staff) did not know whether the Board wanted computer based testing or if the Board wanted to go back to the paper/pencil option. She stated that the Board did not have proctor staff to administer the paper/pencil test. She also stated that the Board did not have the capability to produce licenses for same day licensure and would have to reestablish a relationship with the State Employment Development Department to reproduce the licenses.

President Condon stated that she understood these issues and was aware that they would have to return to pre-printed licenses. Dr. Ferrel informs the Board that it is very critical to understand the budgetary impact of the change.

Ms. Reddock asked Dr. Ferrel if Experior has the capacity to administer both the computer based and paper/pencil examination. Dr. Ferrel stated that Experior uses computer based exams because that is the more secure process and more reliable for scoring. She stated that Experior would be most likely supply computer terminals and proctors and continue to issue photographic licenses..

Ms. Reddock's stated that she got the impression that Experior was opposed to giving the paper/pencil examination as an option. Dr. Ferrel replied that Ms. Reddock was correct because paper/pencil examinations are contrary to current trends in testing technology.

Ms. Reddock asks if OIS would be opposed to the paper/pencil examination as well and Dr. Ferrel replied in the affirmative.

Mr. Herron stated that he understood Experior was going to provide the Board with more information on same day testing with computers. He said this assurance was made at the December 15 Board meeting and, to date, the Board had not received any addition information.

Dr. Ferrel indicated that there was a teleconference with Experior in which they were requested to attend today's meeting. She stated that there are two letters from Experior and a memo from OER that articulated attempts by Experior to provide this information to the Board.

President Condon asked Dr. Ferrel if Experior was in attendance at the meeting. Dr. Ferrel stated that Experior had a prior commitment and could attend the meeting which is why they were at the December 15 meeting.

Vice President Gonzalez stated that Experior could have accommodated the Board by sending the Board materials within 30 days as opposed to bringing to the meeting. Dr. Ferrel stated that they were directed to have OER attend this meeting and she didn't think Experior was anticipated addressing these questions five days before the contract expired. She stated that was the reason Experior sent letters to the Board in November and December attempting to meet with the Board. Vice President Gonzalez told Dr. Ferrel that assumptions don't work with the Board.

Ms. Reddock asked Dr. Ferrel if Experior could produce computer based testing with same day licensing and Dr. Ferrel replied in the affirmative.

Ms. Reddock asked Dr. Ferrel if the question was where the Board wants the computers to be located. Dr. Ferrel said yes and also if the Board wanted the candidates to have a choice of taking the test the same day or returning to take it later.

Vice President Gonzalez interrupted to ask Dr. Ferrel about the prices she quoted. Before Dr. Ferrel could respond, Ms. Reddock asked her what OER felt the would be the necessary steps to implement same day licensing from this point.

Dr. Ferrel requested a meeting in early February with representatives from the Board to discuss where the Board wanted the computers placed. She said that OER would need to meet with OIS to determine the programming needs. OER would also need to meet with Experior to determine site specifications. Dr. Ferrel would present the proposal to the Board and, if it was excepted, would more forward. She stated that they hoped to complete the process by August or September, but it would be contingent upon the Board. Dr. Ferrel said it was not feasible to complete the process by March because both OER and OIS have half the staff and have thousands of candidates for which they are responsible.

Ms. Reddock asked what Dr. Ferrel's independent recommendation was for the fastest way to implement the change (i.e., where to place the computers, staffing, etc.). Dr. Ferrel stated that the decision doesn't affects the time it will take to implement the changes.

President Condon asked Dr. Ferrel about the time limit for advising Experior of cancellation of the contract. Dr. Ferrel indicated that she believed it was 30 days, but that there was flexibility. She stated that contract would expire on February 1, 2004.

President Condon asked Ms. Walton how long it would take to return to the paper/pencil test. Ms. Walton told the Board that first they have to hire proctors so the examiner hours won't be used up administering the written examination. She stated that the examination booklets needed to be republished, and the computer systems needed to be reprogrammed by OIS. Ms. Walton stated that Shelly Sutton from OIS would need to elaborate on that process. Ms. Walton also stated that the Board would have to re-institute a contract with the Employment Development Department for the pre-printed licenses.

Vice President Gonzalez asked Ms. Walton how many days these processes would take. Dr. Ferrel requested to add to what Ms. Walton had stated. Dr. Ferrel reminded the Board that there was a statewide hiring freeze. Ms. Walton agreed that there was a hiring freeze and an exemption would be required to hire proctors. Ms. Walton stated that she couldn't estimate the exact time frame, but if they were going to revert back to paper/pencil testing it would take approximately 3-4 months.

Ms. Shelly Sutton introduced herself to the Board as the Chief Information Officer (see memo dated January 23, 2004 given to the Board Members at the meeting for Ms. Sutton's specific remarks).

Vice President Gonzalez asked about the millions of dollars that it would cost to initiate the paper/pencil examination. Dr. Ferrel responded that the amount was \$1.14 million.

Vice President Gonzalez asked how long it initially took to go from paper/pencil testing to Experior and Dr. Ferrel indicated that it took nine months.

Vice President Gonzalez asked to see proof of the nine-month time frame. He stated that the Board would like to see statistics. Vice President Gonzalez made a motion to direct staff to make preparations to return to pencil/paper tests and approve the continuation of the Experior contract with a 30-day notice for discontinuation.

President Condon requested a second to the motion. Ms. McInnes seconded the motion.

Mr. Hedges asked for clarification of the motion and asked if it was to return to pencil/paper testing in nine months with a continuation of Experior contract with a 30-day cancellation notice?

President Condon confirmed that the nine-month time frame was not mentioned as part of the motion. She stated that the motion was to direct staff to return to pencil/paper tests and to approve the continuation of the Experior contract with a 30-day cancellation notice so that the Board had the option on canceling within 30 days. She stated that extending the Experior contract would provide coverage for testing while staff prepared the paper /pencil test.

Mr. Hedges asked if the motion was Vice President Gonzalez's way of expediting the same day licensing. President Condon responded in the affirmative and stated that the motion also gives staff working room to bring to about same day testing without creating a crisis.

Mr. Balingit requested that Board staff Jaime Masuda, who was recording the minutes for the meeting, read the motion. Ms. Masuda read the motion.

Ms. Reddock stated that she was not comfortable making a directive to completely revert back to paper/pencil testing without having the time to analyze the information presented to the Board at the meeting. She was also concerned that the Board was not considering the current limited staffing and resources.

Vice President Gonzalez indicated that the same day testing issue has been ongoing since he's been on the Board. He stated that he felt the Board had give opportunity to Experior, but had been given the runaround.

Ms. Reddock asked legal counsel if the Experior contract had been read and if there were any legal obligations or legal issues about which the Board should be concerned regarding early cancellation of the contract. Mr. Balingit stated that he had not been assigned to that contract and had not read it.

President Condon stated that the contract was extended for just 30 days at the previous Board meeting so the Board could make a decision. Mr. Hedges stated that he did not care whether the Board provides paper/pencil or computerized testing just as long as there is same day licensing. He asked f it would be quicker to do paper/pencil or computerized testing.

President Condon asked if someone wanted to respond to Mr. Hedges' question. Dr. Ferrel indicated that because few Budget Change Proposals have been approved and no hiring exemptions have been granted that she is aware of, it would be difficult to support paper/pencil testing. She stated that same day licensing could be computer based by September.

Vice President Gonzalez stated that he felt the Board members were again being pushed into making a decision for the industry, yet Experior did not comply with the wishes of the Board and there are still no answers. Ms. Reddock asked for input from the industry during the public comment period about whether they prefer paper/pencil or computer based testing.

President Condon stated that she thought the Board could make a decision regarding computers and same-day licensing at a later time. She opened the meeting for public comment and asked the public to keep comments to a couple of minutes.

◆ **Agenda Item #8- Public Comment (continue)**

Mr. Red Carter, Apprenticeship sponsor, commented on the success of computer based testing when the wait time for the examination was estimated to be 13-16 weeks. He stated that when the Board is contacted the candidates are told there is a 28 week wait time. Mr. Carter said that computer based testing has proven to increase the wait time. He spoke of different ways of giving the exam with paper/ pencil, which he felt were more efficient in the past. He stated that he currently has one apprentice who is still waiting for his license and he wanted the Board to go back to the old way of testing and get the job done.

Mr. Mark Moreno spoke on behalf of the industry and said they were opposed to the ending of same day licensing. He stated that he was angry past courses of actions. Mr. Moreno felt that Experior should be in attendance to discuss the contract and there were other testing vendors that would be happy to have the Board's business. He felt that paper/pencil would be a step backward, but if it needs to be done for a short period while another vendor is found, he will provide the facility and pay for the proctors for 90 days. He stated that it wouldn't cost the State any money. Mr. Moreno stated that if drastic actions are needed, the Board should grandfather the thousands of people waiting to take the written examination and go to practical only until there is a new contract. He stated that he would be calling key legislators to voice his frustration and to tell them about the inappropriateness that went on.

Vice President Gonzalez added that the Board members would not be railroaded and they would do their best to represent the industry.

Ms. Lin Nguyen, School Owner, commented that the majority of her students speak English as a second language. She stated that English is difficult for them and she would prefer the paper/pencil method so that her school would not have to teach the students how to use a computer in addition to the required coursework.

Mr. Jerry Carlton, Carlton Hair International, indicated that there was no input from industry for computer based testing. He thanked the Board for standing up and saying that they would not allow the same gap that occurred when the tests were split.

Ms. Yolanda Duran, industry educator, spoke on behalf of students. She was upset about students not receiving their license on the same day. She stated that the current time frames needed to be resolved, and that she would like inspectors to focus on shops that work without licenses.

Vice President Gonzalez informed the audience that staff (Inspectors) are out in the field 24/7 inspecting shops as much as they can. He stated that, because of the hiring freeze and finances, the Inspectors were only going to shops about which there were complaints. He stated that he was very happy and satisfied with the work they were doing.

Ms. Virginia Monico, Monico Beauty College, indicated that there were exam books available at the examination sites currently, because the ADA (Americans With Disabilities Act) candidates are using them. She wanted to know why those books couldn't be reproduced for the paper/pencil exam to reduce the delay.

President Condon asked Ms. Monico to see Ms. Walton to address that question and so she can get back to her on that question.

Vice President Gonzalez called for the question. Mr. Hedges seconded the motion. President Condon asked the members if there is further discussion on the motion and Ms. Reddock asked for the motion to be read again.

Vice President Gonzalez read the motion to direct staff to make preparations and return to paper/pencil tests and approve the continuation of the Exporior contract with a 30-day notice for discontinuance.

President Condon indicated that there is no further discussion, she called for the vote.

Ms. McInnes- Aye

Mr. Herron- Aye

Mr. Gonzalez- Aye

President Condon- Aye

Ms. LaChappa-Aye

Ms. Reddock- Abstained because she felt there was a need for computer based testing

President Condon indicated that the motion has carried with one abstention. She asked Ms. Reddock if she would like to make another motion.

Ms. Reddock stated that she would like staff to move to same-day licensing with an assessment of the benefits of paper testing as opposed to computer based testing. She stated that she thought her suggestion might contradict with the motion that was just passed.

President Condon added that the Board would be open to other contracts allowing computers to be used as long the goal of same day licensing is met. She asked Ms. Reddock if she would still like to make a motion. Ms. Reddock declined to make a new motion.

◆ **Agenda Item #8- Public Comment (continue)**

President Condon announced that the Board would move to Agenda Item 8 – Public Comment.

Ms. Mary Manna, National Interstate Council (NIC) of State Boards of Barbering and Cosmetology, stated that she was interested in providing services for the Board with written testing and computer based testing. She stated that she would like to respond to the needs of the Board.

Mr. Ken Williams, Universal College of Beauty, wanted to know if ExperiOr has minimized the Board's backlog. He spoke about North Carolina's testing timeframes whereby candidates are given an apprenticeship license if they do not receive a test date right away. He felt that the wait time needed to be addressed immediately.

President Condon asked Ms. Walton to address the backlog concerns. Ms. Walton told Board members that she was currently redirecting Staff throughout the Board to address the areas of backlog. She did not have the figures available, but would provide the Board with the statistics at the next meeting.

Ms. Nadine Ashdale from San Diego stated she thought that ExperiOr was going to make it more feasible for testing to get done faster. She stated that she felt the wait time for an examination was too long.

♦ **Agenda Item #9 AGENDAS FOR NEXT MEETING**

President Condon requested that Agenda Item #9 be moved to the next meeting. She ended the public comment period and announced closed session.

♦ **Closed Session**

♦ **Open Session**

President Condon reopened the meeting at 5:10 p.m.

♦ **Agenda Item #11 DISCUSSION OF NEW EXAMINATION FACILITY**

President Condon stated that Mr. Balingit shared areas of the law regarding the move of the Los Angeles examination site. She stated that the Board would like to enter into negotiations for extending the existing lease with the current site owner. President Condon stated that the owner was willing to decrease the rent from the current rate and she would like the Board to consider this option so that they aren't left without a testing site.

Mr. Hedges requested that President Condon and/or Vice President Gonzalez stay on top of the facility leasing issue. Vice President Gonzalez shared that he had stayed on top of the issue and had visited the current facility. He indicated that, in his opinion, the facility is in excellent condition and he did not know where the reports came from in the past regarding the poor condition. He stated that there had been no disturbances or threats and there had not been one problem with vandalism or personal attacks to anyone in the 16 years the Board has been there. Vice President Gonzales could not see why the Board cannot stay at the existing

exam site. He indicated that the manager had tried to contact the State Department of General Services (DGS) a number of times. He stated that the manager indicated he would meet with DGS and lower the rent to accommodate the Board.

♦ **Agenda Item #12 ADJOURNMENT**

President Condon adjourned the meeting at 5:15pm.